

Senate File 44 - Introduced

SENATE FILE 44

BY BOLKCOM

A BILL FOR

1 An Act relating to the expungement of violations of local
2 ordinances.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 901C.3 Local ordinance —
2 expungement.

3 Upon the expiration of two years following conviction for
4 a violation of any local ordinance, a person may petition the
5 court to expunge the conviction, and if the person has had no
6 other criminal convictions, other than local traffic violations
7 or simple misdemeanor violations of chapter 321 during the
8 two-year period, the conviction shall be expunged as a matter
9 of law. The court shall enter an order that the record of the
10 conviction be expunged by the clerk of the district court.
11 Notwithstanding section 692.2, the clerk of the district court
12 shall send a receipt of notice that a record of conviction has
13 been expunged for a violation of a local ordinance if a record
14 of conviction is maintained by the department of public safety,
15 and the record of conviction shall be removed from the criminal
16 history data files maintained by the department of public
17 safety. An expunged conviction shall not be considered a prior
18 offense for purposes of enhancement unless the new violation
19 occurred prior to entry of the order of expungement.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with
22 the explanation's substance by the members of the general assembly.

23 This bill relates to the expungement of violations of a local
24 ordinance.

25 The expungement process under the bill provides that
26 upon the expiration of two years following conviction for a
27 violation of a local ordinance, a person may petition the
28 court to expunge the conviction if the person has no other
29 criminal convictions, other than local traffic violations or
30 simple misdemeanor violations of Code chapter 321 during the
31 two-year period, and the conviction shall be expunged as a
32 matter of law. The bill also provides that the clerk of the
33 district court shall send a receipt of notice that a record
34 of conviction has been expunged for a violation of a local
35 ordinance if a record of conviction is maintained by the

1 department of public safety, and the record of conviction shall
2 be removed from the criminal history data files maintained by
3 the department of public safety.

4 The bill also provides that an expunged conviction shall
5 not be considered a prior offense for purposes of enhancement
6 unless the new violation occurred prior to entry of the order
7 of expungement.